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8 Attorneys for Plaintiff  
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) Case No. CR 09 – 0417 EMC  
14 Plaintiff, )  
15 v. ) STIPULATION AND  
16 EMILE YOUSSEF JILWAN, ) [PROPOSED] ORDER  
17 Defendant. )

18  
19 WHEREAS, on January 25, 2012, the United States and the defendant, Emile Youssef  
20 Jilwan, entered into a Deferred Prosecution Agreement whereby, as described in further detail  
21 therein, the defendant admitted and accepted responsibility for the conduct alleged in Count  
22 Thirty-Eight of the Indictment, charging him with obstruction in violation of 18 U.S.C. § 1505;  
23 promised to cooperate with the government's related cases; and promised to settle the forfeiture  
24 allegations charged by the United States and make all required payments pursuant to the  
25 defendant's settlement of a parallel civil enforcement action brought by the United States  
26 Securities and Exchange Commission. Pursuant to the Deferred Prosecution Agreement, and in  
27 reliance on the defendant's promises made therein, the United States deferred its prosecution of  
28 County Thirty-Eight; and dismissed the charges in Counts One and Thirty through Thirty-Six, as

1 to defendant Emile Jilwan only.

2 WHEREAS, the Court adjourned the matter until January 23, 2013 for status and found  
3 that the period of time from January 25, 2012 to January 23, 2013 was properly excluded in  
4 computing the time within which the trial of the offense alleged in the Indictment must  
5 commence pursuant to 18 U.S.C. § 3161(h)(2) because this was a period of delay during which  
6 prosecution would be deferred by the attorney for the government pursuant to a written  
7 agreement, in this case, the January 25, 2012 Deferred Prosecution Agreement, with approval  
8 from the Court, for the purpose of allowing the defendant to demonstrate his good conduct.

9 THEREFORE, it is hereby stipulated by and between the parties, through their respective  
10 counsel of record, that the period of time from January 25, 2012 to January 23, 2013 shall be  
11 excluded, pursuant to 18 U.S.C. § 3161(h)(2), in computing the time within which the trial of the  
12 offense alleged in the Indictment for defendant Emile Jilwan must commence under Title 18,  
13 United States Code, Section 3161.

14 DATED: February 8, 2012

MELINDA HAAG  
United States Attorney

16 /s/  
17 \_\_\_\_\_  
18 Adam A. Reeves  
19 Assistant United States Attorney

20 DATED: February 8, 2012

21 William H. Green, Esq.  
22 Counsel for Emile Jilwan

23 **IT IS SO ORDERED.**

24 DATED: 2/14/12

